

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2471 of 2006

Dated: 04.07.2006

Between

1.Nadimpally Gopalaraju and others.

.....Petitioners

and

1.State of Andhra Pradesh rep., by its
Principle Secretary, Irrigation & CAD
Dept., Secretariat, Hyderabad and others.

....Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.2471 of 2006

ORDER:

This writ petition is filed seeking a Mandamus declaring the inaction of the 3rd respondent in not forwarding the alternative proposed alignment design prepared and forwarded by 4th, 5th and 6th respondents relating to the Right Main Canal within the reach of 84.100 KM to 87.500 KM passing through Pangidigudem village and Polasanipalli village forming part of the Right Main Canal forming part of Indira Sagar (Polavaram Project) Multi purpose project, to the 2nd respondent for consideration and approval as arbitrary and illegal.

It is the case of the petitioners that they are residents of Pangidigudem and Polasanipalli villages and the proposed canal forming part of the right main canal of Polavaram project with in the reach of 84.100km to 87.500km is sanctioned to M/s. Jaiprakash Gayatri Joint venture for construction on EPC method. The contractor has accordingly designed the alignment of canal and the same was approved by the respondents. The approved alignment which is part of the Right Main Canal passing through Pangidigudem and Polasanipalli villages is designed by the contractor according to his whims and fancies. As per the said alignment, the canal is passing through the habitation of both the villages and a Hanuman temple which is famous in and around the locality. Therefore, they have made several representations before

the concerned authorities and the Executive Engineer, ISRMC Division, Eluru forwarded their applications to the Superintending Engineer, ISRMC Circle, Eluru, West Godavari District in view of request of Major number of ryots in saving their residential houses and they have no objection for losing their lands in the canal alignment. As per the said alternative alignment, about 20 number of houses can be saved and most of the requests of the ryots can be considered. In turn, the Superintending Engineer, addressed a letter to the Chief Executive, Indira Sagar Project, Dowlaiswaram dated 30.11.2005 reiterating the recommendation for the proposals of shifting the alignment as shown in the plan proposed and sent it to the Chief Engineer.

According to the petitioners, the recommendation of the Executing Engineer sent to the Superintending Engineer who in turn sent it to the Chief Engineer, and is pending with the Chief Engineer as of now. Unless it is sent to the Chief Engineer, Central Designs Organization and it is considered by that department, no changes can be made as sought for by the petitioners to save their residential houses etc.,

In view of the above, without expressing any opinion on merits, the 3rd respondent is directed to forward the alternative proposals submitted by the Superintending Engineer, Indira Sagar Project, Right Main Canal, West Godavari District to the 2nd respondent, who shall consider the same after hearing the petitioners and pass appropriate orders as per law within a period of three months from the date of receipt of a copy of this order.

Writ petition is disposed of accordingly. No costs.

rkk

4.7.2006